

**DURHAM, NORTH CAROLINA  
MONDAY, APRIL 1, 2002  
7:00 P.M.**

The Durham City Council met in regular session on the above date and time in the Council Chambers at City Hall with the following members present: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Excused Absence: Council Member Edwards.

Also present: City Manager Marcia L. Conner, City Attorney Henry Blinder, City Clerk D. Ann Gray and Deputy City Clerk Linda Bratcher.

Mayor Bell called the meeting to order with the Pledge of Allegiance.

Mayor Bell read a proclamation designating April 1-7, 2002 as *Community Development Week*.

Charlene Montford, Housing & Community Development Director, distributed to Council the first issue of the "*Department of Housing Community Development*" bulletin.

Also, the Mayor read a proclamation declaring April as "*National Child Abuse Prevention Month*."

The Mayor asked for priority items from the City Manager, City Attorney and City Clerk.

City Manager Conner 1) requested that GBA Item #26 [YMCA REQUEST] be removed from the agenda due to information not received from the YMCA; 2) provided information on the City's response to the North Carolina Housing Finance Agency's (NCHFA) request to review eight development projects [see memo dated March 28, 2002 from Charlene Montford]; and 3) provided information on Consent Item #29 [Hayti Development Corporation Workout Agreement] and indicated three properties [1504 Morning Glory, 106 and 108 Blacknall Street] are a part of the Hope VI Neighborhood Revitalization Strategy [see April 1, 2002 memo from Charlene Montford].

There were no priority items from the City Attorney.

Relative to Consent Item #22 [Durham Area Transit Authority – Appointments], City Clerk Gray noted Council appointed Joyce Young Evans and Donna K. Frederick at the March 21<sup>st</sup> Council Work Session and she requested that the motion be revised to reappoint these two individuals to the Durham Area Transit Authority.

Mayor Bell expressed concern about the attendance of one of the applicants and requested that this item be referred back to the City Clerk.

In view of the situation with Pendleton Townhomes, Council Member Cole-McFadden requested a joint meeting with the City Council and Durham Housing Authority to discuss land use and Housing Impact policies.

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Mayor Pro Tempore Cheek announced his attendance at the kick-off for the Great Human Race, Crop Walk, and Triangle United Way. Also, he cancelled the Insurance Subcommittee Meeting scheduled for April 9<sup>th</sup>.

Council Member Best directed the City Manager to provide an update on contracts for interim positions at the next Council Work Session.

Mayor Bell asked if any citizen(s) or council member(s) wanted to pull any items from the Consent Agenda.

Council asked questions on the following Consent Items: 5 [Lynn Hollow] ; 25 [Kerr Lake Water Supply]; 28 [Loan Agreement-CAARE]; 43 [General Educational Development (GED)/NECD]. The Manager noted staff is developing a non-city agency contract with NECD.

Relative to Consent #45 [Eagle Village CD for Murphy Street], Council Member Clement disclosed that he was a former board member of Eagle Village. He noted that he supports this item and has no financial interest in this matter.

The following items were pulled from the Consent Agenda: #22 [Durham Area Transit Authority], #23 [UGA: Foushee], #29 [Hayti Development Corporation] and #33 [Legislative Program].

Council Member Best indicated he would be voting no on Consent Items #29 [Hayti Development Corporation Workout Agreement] and #30 [Contract ST-217 Fayetteville Road Widening, Phase I].

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to approve the Consent Agenda as amended was approved at 7:30 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

#### **[CONSENT AGENDA]**

**SUBJECT: RESOLUTION HONORING JACKIE S. CARPENTER**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to adopt a Resolution Honoring Jackie S. Carpenter was approved at 7:30 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

#### **Resolution #8850**

**SUBJECT: RESOLUTION HONORING JOHN G. PEDERSEN, JR.**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to adopt a Resolution Honoring John G. Pedersen, Jr. was approved at 7:30 p.m. by the following

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vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

**Resolution #8851**

**SUBJECT: CITIZENS ADVISORY COMMITTEE - RECEIPT AND ACCEPTANCE OF AN APPLICATION**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to receive and accept an application for a citizen to fill one (1) vacancy for a TARGET AREA MEMBER resident from existing or proposed areas of the City receiving a significant amount of Community Development Block Grant assistance (term will expire June 30, 2004) was approved at 7:30 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

**SUBJECT: HUMAN RELATIONS COMMISSION – RECEIPT AND ACCEPTANCE OF AN APPLICATION**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to receive and accept an application for a citizen to fill one (1) vacancy for a NON-MINORITY MEMBER (Male). The term will expire June 30, 2002 was approved at 7:30 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

**SUBJECT: SITE PLAN APPROVAL - “LYNN HOLLOW SUBDIVISION”**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to approve a site plan for Lynn Hollow Subdivision submitted by the John R. McAdams Company, Inc., on behalf of Aegis Gibson, LLC, consisting of 86 single family lots and open space on an 18.76 acre site, zoned PDR 4.59. The property is located on the south side of Gibson Road and east of Lynn Road and west of Redgate Drive. (Tax reference 593-01-05; PIN 0840-07-68-6815; City Atlas Page 31, Block C-2) was approved at 7:30 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

**SUBJECT: SETTING THE DATE FOR THE FISCAL YEAR 2001-2002 CONSOLIDATED ACTION PLAN AMENDMENT PUBLIC HEARING**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to set the date for the FY 2001-2002 Consolidated Action Plan Amendment public hearing to be held

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on April 15, 2002 was approved at 7:30 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

**SUBJECT: SETTING THE DATE FOR THE FISCAL YEAR 2002-2003  
CONSOLIDATED ACTION PLAN DRAFT PUBLIC HEARING**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to set the date for the fiscal year 2002-2003 Consolidated Action Plan Draft public hearing to be held on April 15, 2002 was approved at 7:30 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

**SUBJECT: STREET ACCEPTANCE – HOPE VALLEY FARMS (REGENCY  
NORTH) - GROVE PARK (SOUTHSHORE – SECTION IV) –  
STACY DRIVE**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to accept the following streets for maintenance by the City of Durham was approved at 7:30 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

**HOPE VALLEY FARMS  
REGENCY NORTH**

**Saxford Place** – from the centerline of Carlton Crossing Drive southwest thru the cul-de-sac (457’.)

**GROVE PARK  
SOUTHSHORE – SECTION IV**

**Southshore Parkway** – from the end of pavement @ STA 27+47 west then north then east to STA 38+53 (1,106’), and

**Lake Valley Lane** – from the centerline of Southshore Parkway west to the end of construction @ STA 12+09.91 (210.’)

**ADDITIONAL STREET**

**Stacy Drive** – from the centerline of Heritage Drive west to the end of construction @ STA 3+30 (230.’)

**SUBJECT: SETTING PUBLIC HEARING TO CONSIDER ORDERING  
PETITIONED IMPROVEMENT**

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**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to adopt a Certificate of Sufficiency from the Manager of Engineering for the following petition; and

To adopt a resolution setting a public hearing on Monday, April 15, 2002 to consider ordering the following improvement was approved at 7:30 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

**Water Main on Massey Chapel Road - From Abron Drive to Fayetteville Road**

**SUBJECT: SETTING PUBLIC HEARINGS FOR THE CONFIRMATION OF ASSESSMENT ROLLS**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to adopt resolutions setting public hearings for April 15, 2002 for the following assessment rolls was approved at 7:30 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

**Water Main on North Willowhaven Drive - from Umstead Road to Russell Road; and**

**Sewer Main on North Woodcrest Street - from Rochelle Street to South P/L TM 378-2-3A.**

**SUBJECT: SPEED LIMIT - CISCO STREET AND OAK RIDGE BOULEVARD**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to adopt an ordinance authorizing a speed limit of 25 mph at the following location was approved at 7:30 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

**On Cisco Street** from Charles Street to Oak Ridge Boulevard, and

**On Oak Ridge Boulevard** from Cisco Street to South Roxboro Street.

**Ordinance # 12525**

**SUBJECT: SPEED LIMIT - REYNOLDS AVENUE**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to adopt an ordinance authorizing a speed limit of 25 mph at the following locations was approved at 7:30 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

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**On Reynolds Avenue** from Hope Valley Road east to Courtland Avenue, and  
**On Reynolds North Avenue** from Courtland Drive to Hope Valley Road

**Ordinance #12526**

**SUBJECT: SPEED LIMIT – MONMOUTH AVENUE**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to adopt an ordinance authorizing a speed limit of 25 mph at the following locations was approved at 7:30 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

**On Monmouth Avenue from** the east curb line of Washington Street east to Glendale Avenue.

**Ordinance # 12527**

**SUBJECT: SPEED LIMIT – DUKE HOMESTEAD ROAD**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to adopt an ordinance authorizing a speed limit of 25 mph at the following locations was approved at 7:30 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

**On Duke Homestead Road** from Carver Street north to the end of city maintenance.

**Ordinance #12528**

**SUBJECT: SPEED LIMIT – LYNCH STREET**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to adopt an ordinance authorizing a speed limit of 25 mph at the following location was approved at 7:30 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

**On Lynch Street** from Glendale Avenue east to the end of city maintenance.

**Ordinance #12529**

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**SUBJECT: SPEED LIMIT – CROWELL STREET**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to adopt an ordinance authorizing a speed limit of 25 mph at the following location: was approved at 7:30 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

**On Crowell Street** from South Alston Avenue east to the end of city maintenance.

**Ordinance #12530**

**SUBJECT: SCHOOL ZONE – COOK ROAD**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to amend Ordinance #11249 authorizing the installation of a school zone at the following location was approved at 7:30 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

**On Cook Road** beginning at a point 300 feet west of the west curb line of Dunn Avenue and extending eastward to a point 90 feet east of the east curb line of Missell Avenue.

**SUBJECT: STOP SIGNS - PRESCOTT PLACE**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to adopt an ordinance authorizing the installation of stop signs at the following locations was approved at 7:30 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

Knight's Arm Drive at Trenton Road, northeast corner,  
Carmen Lane at Knight's Arm Drive, northwest corner,  
Dutchess Lane at Carmen Lane, northeast corner,  
Knight's Arm Drive at Stockton Way, southwest corner,  
Dutchess Lane at Stockton Way, southwest and northeast corners, and  
Churchland Court at Dutchess Lane, northwest corner.

**Ordinance #12531**

**SUBJECT: STOP SIGN - ROLLING PINES AVENUE**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to repeal Ordinance #11244, adopted 9-2-97 that authorized the installation of a yield sign on Rolling Pines Avenue, southeast corner; and

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To authorize the installation of a stop sign on Rolling Pines Avenue at Ambassador Drive, southeast corner was approved at 7:30 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

**SUBJECT: HANDICAP PARKING – SIMMONS STREET**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to adopt an ordinance establishing handicap parking space on the south side of Simmons Street was approved at 7:30 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

**Ordinance #12532**

**SUBJECT: NO PARKING – COLFAX STREET**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to adopt an ordinance authorizing a no parking zone at the following location was approved at 7:30 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

**On the east side of Colfax Street** beginning at the south curb line of Simmons Street, if extended, and extending southward for a length of 115 feet.

**Ordinance #12533**

**SUBJECT: DURHAM AREA TRANSIT AUTHORITY – APPOINTMENTS**

To appoint citizens to fill two (2) Regular Member vacancies to represent the categories of Bus Rider and At-Large. The terms will expire March 1, 2005.

**Note: Mayor Bell expressed concern about the attendance of one of the applicants and requested that this item be referred back to the City Clerk.**

**SUBJECT: KERR LAKE WATER SUPPLY STUDY - FURTHER ACTIONS –  
CITY OF RALEIGH – TOWN OF CARY – CITY OF DURHAM –  
GRANVILLE COUNTY – AMENDMENT #1**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to authorize the City Manager to execute an amendment to the Kerr Lake Feasibility Study Memorandum of Agreement was approved at 7:30 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.



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**SUBJECT: DURHAM COUNTY HABITAT FOR HUMANITY (DCHF) - \$500,000 HOUSING BONDS – SECOND MORTGAGE PROGRAM**

*The item regarding Habitat for Humanity has been **removed** from the agenda.*

**SUBJECT: FINAL DOCUMENT APPROVAL FOR LOAN AGREEMENT WITH CAARE, INC. – TRANSITIONAL HOUSING**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to authorize the City Manager to execute a Loan Agreement ("Agreement") and related closing documents using 1996 Housing Bond funds in the amount of \$94,050 with CAARE, Inc. so that CAARE can purchase and rehabilitate a single family residence for use as transitional housing; and

To authorize the City Manager to make minor modifications to the Agreement before execution provided the Agreement's loan amount and general intent do not change was approved at 7:30 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

**SUBJECT: CONTRACT ST-217 - FAYETTEVILLE ROAD WIDENING, PHASE I**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to reject all bids for Contract ST-217, the Fayetteville Road Widening, Phase I; and

To direct staff to re-advertisement for bids on Contract ST-217 was approved at 7:30 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Clement, Cole-McFadden and Stith. Noes: Council Member Best. Excused Absence: Council Member Edwards.

**SUBJECT: DURHAM SIGNAL SYSTEM UPGRADE – PROJECT U-2927 – SUPPLEMENTAL AGREEMENT – CONDUIT LEASE – NORTH CAROLINA DEPARTMENT OF TRANSPORTATION (NCDOT)**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to authorize the City Manager to execute the supplemental agreement with the North Carolina Department of Transportation was approved at 7:30 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

**SUBJECT: SOFTWARE MAINTENANCE AGREEMENT – ENVIRONMENTAL SYSTEMS RESEARCH INSTITUTE, INC. - GEOGRAPHIC INFORMATION SYSTEM (GIS)**

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**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to authorize the City Manager to execute the Software Maintenance Agreement with Environmental Systems Research Institute, Inc. for the purchase of software maintenance and update services for the Geographic Information System (GIS) in the amount of \$48,128; and

To authorize the City Manager to modify the contract provided the modifications do not increase the dollar amount of the contract and are consistent with the general intent of the version of the contract approved by City Council was approved at 7:30 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

**SUBJECT: GENERAL EDUCATIONAL DEVELOPMENT FOR THE CITY OF DURHAM AND THE NECD REINVESTMENT**

*This item was a citizen's item and the update was received at the March 21, 2002 Work Session.*

[Earlier in the meeting, the City Manager indicated that staff is developing a non-city agency contract with NECD].

**SUBJECT: CARLOS E. MAHONEY/ROBERT B. GLENN, JR.**

*This item was a citizen's item and the comments were received at the March 21, 2002 Work Session.*

**SUBJECT: SUB-RECIPIENT CONTRACT FOR EAGLE VILLAGE CDC FOR MURPHY STREET – PHASE I - EAGLE VILLAGE COMMUNITY DEVELOPMENT CORPORATION**

City Member Clement disclosed that he was a former board member for Eagle Village and has no financial interest in this matter.

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to authorize the City Manager to execute a sub-recipient contract with Eagle Village Community Development Corporation for infrastructure construction in Phase I of the Murphy Street project in the amount of \$225,000 from CBDG grant funds; and

To authorize the City Manager to make minor changes to the documents that do not increase the dollar amount of the grant and which are consistent with this agenda item memorandum was approved at 7:30 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

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**SUBJECT: SALES AND SOLICITATION ORDINANCE**

*The item regarding the Sales and Solicitation Ordinance was **removed** from the agenda at the March 21, 2002 Work Session.*

**[ITEMS PULLED FROM CONSENT AGENDA]**

**SUBJECT: PROPOSED UGA EXPANSION: FOUSHEE PROPERTIES**

To find that the Foushee properties are consistent with the approved criteria for Urban Growth Area expansion and to amend the Urban Growth Area to include the Foushee properties; and

To amend the Triangle Township Plan to designate the desired future land uses for the Foushee properties as Low Density Residential, one to four units per acre.

Frank Duke, City/County Planning Director, briefed Council on the staff report noting the Foushee property does meet all the criteria and staff recommends a maximum density of four units per acre.

Mayor Bell requested that the motions be severed.

Discussion was held on the Kerr property.

Based on the analysis, Mayor Pro Tempore Cheek asked staff does this piece of property meet the criteria for expansion into the UGA.

Frank Duke, City/County Planning Director, noted yes.

**MOTION** Mayor Pro Tempore Cheek seconded by Council Member Stith to find that the Foushee properties are consistent with the approved criteria for Urban Growth Area expansion and to amend the Urban Growth Area to include the Foushee properties was approved at 7:36 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

Mayor Bell raised a concern about the higher density and spoke in support of having a density of one to two units per acre noting it is close to the UGA and is in the southern part of the county.

Frank Duke, City/County Planning Director, made comments about the basis for staff's recommendation commenting on the NC 54/I-40 plan.

Attorney Jack Markham, representing the applicant, informed Council that a rezoning petition would be coming forward with less than two units per acre.

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to amend the Triangle Township Plan to designate the desired future land uses for the Foushee properties as

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Low Density Residential, one to two units per acre was approved at 7:40 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

**Note: It was noted by the Planning Director that a public hearing needs to be held to amend the Triangle Township Plan.**

**SUBJECT: RE-APPROVAL OF HAYTI DEVELOPMENT CORPORATION  
WORKOUT AGREEMENT – HOPE VI**

To re-approve the Hayti Development Corporation Workout Agreement agenda item previously approved on April 16, 2001; and

To authorize the City Manager to execute legal documents with Hayti Development Corporation for six construction loans up to \$130,000 per loan and an aggregate amount up to \$520,000 to rehabilitate and market for sale six single-family houses using 1996 Housing Bond funds; and

To authorize the Manager to make minor modifications to the legal documents provided that they are consistent with this memo.

Charlene Montford, Housing & Community Development Director, provided Council with additional information and gave an overview noting that the following three properties listed in the workout agreement for Hayti are slated for the Hope VI Neighborhood Revitalization Strategy: 1504 Morning Glory, 106 and 108 Blacknall Street.

Council Member Best raised concern about the City funding some projects that could be covered under federal dollars.

**MOTION** by Council Member Clement seconded by Council Member Stith to re-approve the Hayti Development Corporation Workout Agreement agenda item previously approved on April 16, 2001; and

To authorize the City Manager to execute legal documents with Hayti Development Corporation for six construction loans up to \$130,000 per loan and an aggregate amount up to \$520,000 to rehabilitate and market for sale six single-family houses using 1996 Housing Bond funds contingent upon Hayti Development Corporation and Durham Housing Authority working out an agreement/resolution regarding HOPE VI strategy; and

To authorize the Manager to make minor modifications to the legal documents provided that they are consistent with this memo was approved at 7:47 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Clement, Cole-McFadden and Stith. Noes: Council Member Best. Excused Absence: Council Member Edwards.

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**SUBJECT: LEGISLATIVE PROGRAM**

To receive a report and recommendations of the Legislative Committee on the Legislative Program for the 2002 Short Session; and

To approve the recommendations of the Legislative Committee.

Council Member Clement requested the following items be added to the Legislative Program for the 2002 Short Session: prepared food tax and an automobile registration fee up to \$20 to support DATA.

Relative to the 2002 Legislative Program Outline (Short Session ) under IV. OTHER, Item #2, Mayor Bell noted that HB 99 addresses meal taxes.

Council Member Clement noted meal taxes outlined in HB 99 should read prepared food tax.

A motion was made by Council Member Clement to add these two items to the Legislative Agenda. Motion dies for a lack of a second.

Mayor Pro Tempore Cheek requested the administration to inquire with Representative Michaux to find out if the automobile registration fee could be added to his bill.

Council Member Stith requested staff to provide him with a copy of HB 99 and raised a concern with supporting an automobile registration fee for DATA.

Council Member Best indicated that he could not support many of taxes proposed.

City Attorney Blinder gave an overview of the process.

Victoria Peterson, of P. O. Box 101, raised a concern about run down commercial buildings and spoke in opposition to increasing the automobile tax.

Mayor Pro Tempore Cheek indicated Item 3 under IV. OTHER is a resolution in support of statewide legislation requiring the improvement or demolition of buildings and structures.

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to receive a report and recommendations of the Legislative Committee on the Legislative Program for the 2002 Short Session; and

To approve the recommendations of the Legislative Committee as outlined below was approved at 8:09 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Cole-McFadden and Stith. Noes: Council Member Clement. Excused Absence: Council Member Edwards.

**2002 Legislative Program Outline (Short Session)**

**I. Charter Amendments/Local Bills**

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No proposals have been received.

**II. General Law**

1. Amend the North Carolina Highway Trust Fund legislation to allow projects other than those specifically designated in the legislation to be funded from monies in the Trust Fund that are not needed for the designated projects (currently, the only project eligible for funding in Durham County is the Northern Durham Loop road formerly known as Eno Drive) – from Public Works Department.
2. Amend state law to reduce the time periods for carrying out and completing a housing code or unsafe buildings case against properties alleged to be unsafe or otherwise not in compliance with minimum housing standards – from Legislative Committee.
3. Amend state law to make it a felony for any adult to be convicted of “repeated” (five or more) serious misdemeanors – from Durham Businesses Against Crime.

**III. Carryovers**

It does not appear that any of the items in the City’s legislative program from last year remain eligible for consideration in the 2002 short session as a “carryover” item from the 2001 Legislative session.

**IV. Other**

1. Resolution in support of providing more structured and rigorous standards for judges and magistrates to follow in making decisions on the pre-trial release of criminal suspects, particularly for crime of violence – from Police Department.
2. Resolution in support of House Bill 99, introduced by Representative Michaux in the 2001 session. House Bill 99 authorizes counties and cities to levy a menu of local option taxes if approved by the voters at a referendum, including any or all of the following: sales taxes, impact taxes, meals taxes, occupancy taxes, income taxes, and land transfer taxes – from Legislative Committee.
3. Resolution in support of item in the legislative program of the North Carolina League of Municipalities, in which the League will seek stateside legislation to require improvement or demolition of buildings and structures closed on order of a building or housing inspector, instead of boarding up and abandoning – from Legislative Committee.
4. Resolution in support of item in the legislative program of the North Carolina League of Municipalities, in which the League will seek statewide legislation to permit municipalities to demolish property at the request of a property owner and allow the property owner to pay the cost of demolition over a period of time – from Legislative Committee.

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**[GENERAL BUSINESS AGENDA]**

**SUBJECT: PROPOSED URBAN GROWTH AREA (UGA) EXPANSION: KERR PROPERTY**

To find that the Kerr property is not consistent with the approved criteria for inclusion in the UGA.

To maintain the existing Urban Growth Area boundary in the vicinity of the Kerr property.

Frank Duke, Planning Director, noted staff has determined that the Kerr property did not meet the first criterion--that the property be contiguous to the present UGA. He noted staff recommends that Council find that the Kerr property did not meet criteria. However, he noted the Planning staff had indicated previously to Council and the Kerr family that this property did meet the criteria. Also, he noted as a second option, should Council wish to expand the UGA to include the Kerr property, staff recommends that Council include those intervening five parcels. Also, he noted staff contacted the owners of those properties and received no negative comment.

Mayor Pro Tempore Cheek made comments about the land use recommendation.

Frank Duke, Planning Director, noted that you cannot change the land use on the property tonight that would require a process of a plan amendment and this would also apply to the Foushee property. He indicated staff would be looking at the density that they and Council would support. Also, he noted that staff recommends a density of one unit per acre or with a PDR staff could support a density of two.

Mayor Pro Tempore Cheek asked staff if the density would be the same for the five intervening properties as well as the Kerr properties.

Frank Duke, Planning Director, replied yes.

Mayor Bell asked staff what prevents Council from choosing to designate the land use as PDR2.

Frank Duke, Planning Director, noted staff has not gone through the required public hearing process and review by the advisory committee.

Amy Barfield, representing Nick Galifianakis, commented on the 7-acre tract adjacent to the Kerr property requesting inclusion for expansion in the UGA if Council approves those intervening five parcels.

Attorney Robert E. King, representing the Kerr/IUKA, urged Council to include the property on Scott King Road within the UGA. He made comments about the property previously meeting the criteria.

James E. Kerr, of 3706 Suffolk Street, urged Council to support staff's second recommendation to include the Kerr property in the UGA.

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**MOTION** by Council Member Clement seconded by Council Member Stith to expand the UGA to include the Kerr and the intervening five parcels was approved at 8:19 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

**SUBJECT: YMCA REQUEST**

To hear a request from the YMCA of Greater Durham regarding merger with the Capital Area YMCA and foreclosure on Series 1996 Bond Obligations of the YMCA.

**Note: This item was removed from the agenda and referred to the administration at the request of the City Manager.**

**SUBJECT: ZONING ORDINANCE TEXT AMENDMENT EXTENDING THE PERIOD OF SITE PLAN VALIDITY (TC 128-02)**

Dick Hails, Assistant Planning Director, made comments on this item.

**MOTION** by Council Member Clement seconded by Council Member Best to adopt “An Ordinance Amending the Zoning Code of the City of Durham to Establish a Site Plan Validity Period of Four Years” **FAILED** at 8:21 by the following vote: Ayes: Council Members Best, Clement and Stith. Noes: Mayor Bell, Mayor Pro Tempore Cheek and Council Member Cole-McFadden. Excused Absence: Council Member Best.

**[GENERAL BUSINESS AGENDA – PUBLIC HEARINGS]**

**SUBJECT: ZONING MATTER CASE: P01-56 – TICON, INC. - 8.87 ACRES ON THE NE CORNER OF THE MARTIN LUTHER KING, JR. PARKWAY AND ARCHDALE DRIVE**

Rezoning Case: P01-56

Applicant: Ticon, Inc.

Location: 8.87 acres on the NE corner of the Martin Luther King, Jr. Parkway and Archdale Drive, PIN 0820-13-03-3597 & 4226 (Tax Map 415-05-1 & 004).

Request: Rezoning from R-10 (Residential 10 District), R-20 (Residential 20 District) to RM-8 (D) (Multifamily Residential District)

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of R-10 and R-20 and placing same in and establishing same as RM-8 (D).

Zoning Committee Recommendation and Vote: Denial – (7-0)

Planning Department Recommendation: Approval



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Dick Hails, Assistant Planning Director, briefed Council on the staff report highlighting staff's recommendation of approval. He noted the proposal is consistent with the surrounding area and adopted plans. Also, he noted the Zoning Committee denied this request based on inconsistency with the small area plan and traffic issues.

Council Member Cole-McFadden asked the administration how would traffic matters be addressed.

Wesley Parham, of the Transportation Department, made comments about the relocation of the guardrail at MLK Parkway and Archdale to address the site distance problem. Also, he noted there were no staff concerns in meeting requirements, accessibility and traffic capacity.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

### **Proponent**

Attorney Jack Markham, representing the applicant, spoke in support of this rezoning commenting on the proposed use [60 townhomes], land use, open space, tree coverage and noted proposal is consistent with plans. He noted the developer proposes to replant a portion of the construction easement which is used in the realignment of Archdale Drive. Also, he urged Council to approve this proposed zoning.

### **Opponents**

Rhonda Welfare, of 504 High Ridge Drive, spoke in opposition to this proposal due to traffic and aesthetics issues. She urged Council to uphold the recommendation of the Zoning Commission.

Josette Chmiel, of 2134 Alpine Road, spoke in opposition of this rezoning due to traffic, access and poor visibility issues. Also, she raised concern about the property value of existing homes in the area if rezoning is approved.

### **Rebuttal**

Attorney Jack Markham, representing the applicant, noted the Martin Luther King Parkway is built for the traffic it is carrying and more and made comments about Breckenridge.

Mayor Bell declared the public hearing closed.

Council Member Stith asked staff if a TIA was required.

Wesley Parham, of the Transportation Department, noted the proposal did not require a TIA based on the Zoning Ordinance; MLK is well under its roadway capacity; and due to congestion, Archdale between Chapel Hill Road and Hope Valley Road is scheduled to be widened to four lanes and will be under contract later this year; traffic impact is very nominal

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and the City is addressing the site distance at the intersection before this project is underway.

Discussion was held on the timing of projects.

Attorney Jack Markham noted that Mr. McGee stated it would be 12 months before any units would be on line.

Discussion was held on traffic issues, zoning and trip generations.

Mayor Bell asked staff what is the maximum number of units that could be built on this property as it is presently zoned.

Dick Hails, Assistant Planning Director, stated the current zoning would support an estimated 29 single-family dwellings and the proposed zoning would support 60 multi-family units.

Mayor Bell asked the developer the reason for changing the zoning.

Attorney Markham noted the location is appropriate and the developer would like to preserve the pond by transferring the density out of that area.

**MOTION** by Council Member Clement seconded by Council Member Stith to adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of R-10 and R-20 and placing same in and establishing same as RM-8 (D) was approved at 8:43 p.m. by the following vote: Ayes: Mayor Pro Tempore Cheek and Council Members Best, Clement and Stith. Noes: Mayor Bell and Council Member Cole-McFadden. Excused Absence: Council Member Edwards.

**SUBJECT: ZONING MATTER CASE:P01-68 - ABDUL K. AND MOHAMMED H. SALEHMOHAMMED - 8.7 ACRES, ON RIVERDALE DRIVE SOUTH OF UMSTEAD ROAD**

Rezoning Case: P01-68

Applicant: Abdul K. and Mohammed H. Salehmohammed

Location: 8.7 acres, on Riverdale Drive, south of Umstead Road, PIN 0814-01-46-5290 (Tax Map 821, Block 1, Lot 5)

Request: Rezoning from RD (Rural District) to PDR 1.49 (Planned Density Residential-1.49 units/acre); E-B (Eno Basin Watershed Area)

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of RD and placing same in and establishing same as PDR-1.49.

Zoning Committee Recommendation and Vote: Denial – (7-0)

Planning Department Recommendation: Approval

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Dick Hails, Assistant Planning Department, briefed Council on the staff report highlighting the proposal, tree save and open space areas. He noted the Stormwater Division would make improvements as a Priority 3 to address existing stormwater concerns expressed by the neighbors, and the development plan has been revised to address the stormwater impacts from this proposed site. He stated staff recommends approval noting proposal is consistent with the adopted plan and commented on the Zoning Committee's recommendation of denial.

Mayor Pro Tempore Cheek asked staff if there is something that could be done with this proposal to address existing stormwater issues.

Katie Kalb, Public Works Director, replied no.

Council Member Stith asked the administration if this project adds to the existing stormwater problems.

Katie Kalb, Public Works Director, replied there would be no additional impact on the existing problems.

Mayor Bell asked the administration who from the staff visited the site and how many individuals from staff have visited the site.

Katie Kalb, Public Works Director, noted that she was not sure the stormwater engineer or someone from his staff visited the site.

Dick Hails, Assistant Planning Director, informed Council that a planner is assigned to each case who is responsible for looking at all aspects.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

### **Proponent**

Donnie Clark, representing the applicant, spoke in support of this rezoning. He made comments concerning the drainage problem and meeting with the homeowners association. Also, he noted the developer would mitigate any runoff from the proposed development and the developer is exceeding tree coverage and proposing lot- by-lot grading.

### **Opponents**

Karen Landis, of 113 S. Riverdale Drive, expressed concern about this rezoning raising concerns regarding privacy, increased traffic, water runoff and school issues. She asked the developer to work with the neighbors by increasing the tree save area, but did not receive a response .

Lawrence Collins, of 217 S. Riverdale Drive, spoke in opposition to this rezoning citing runoff concerns with his property. He asked Council what happens to the water when the retention pond is full. Also, he stated he has a problem with building more houses until the unresolved stormwater problems are addressed.

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Gloria Ferrell, of 321 S. Riverdale Drive, cited water run-off, retention pond, school impact and traffic concerns.

**Rebuttal**

Donnie Clark, representing the applicant, noted the developer would be retaining the run-off from the proposed site and commented on the tree save area.

Mayor Bell asked the developer/staff who is responsible for maintaining and monitoring the retention pond.

Duane Stewart, representing the applicant, discussed the design of the retention pond and noted it is the responsibility of the homeowner's association to maintain it and the developer is required to post a bond for 20 years. He noted Mr. Collin's property is being impacted by the drainage area which is not be impacted by the proposed development and there is nothing that the developer can do to help with his situation and noted the intent of the pond is to fill up.

Katie Kalb, Public Works Director, noted the Stormwater Division would monitor it once the retention basin is turned over to the City and the County would monitor the pond during the construction. Relative to ponds failing, she noted the developer, or the development, or the homeowners association would be required to repair them. Also, she gave an overview of the City's priority system which is intended to address problems on private property. She noted the City has not had an opportunity to address Mr. Collin's problem stating that the City is working on priority one projects.

Lawrence Collins made comments noting the retaining pond is not going to help him or his neighbor and the proposed development of 13 homes will create more water.

Mayor Bell raised a concern regarding stormwater run-off if this development takes place.

Katie Kalb, Public Works Director, noted the stormwater retention pond had to be constructed to control one and two ten-year storms. Also, she noted it would not stop the run-off. She stated that staff would provide Council with a copy of the ordinance.

Council Member Clement spoke in support of deferring this item one cycle to allow staff to respond in writing addressing questions raised by Mr. Collins and neighbors.

Mayor Pro Tempore Cheek directed staff to provide information on whether a retention pond would be required if 10 homes were built.

Council Member Stith asked staff to comment on the volume of priority projects.

Katie Kalb, Public Works Director, noted there are over 700 priority projects and gave an overview of Categories 1-3.

Council Member Best requested the administration to provide information on what would be required regarding the tree save area under the current and proposed zoning.

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City Manager Conner asked Council to allow this item to come back in two cycles.

**MOTION** by Council Member Clement seconded by Council Member Best to continue the public hearing on this rezoning until the May 6, 2002 City Council Meeting [staff to provide answers to questions raised concerning stormwater runoff] was approved at 9:26 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

**SUBJECT: ZONING ORDINANCE TEXT AMENDMENT TO EXTEND THE  
MAXIMUM TIME FRAME FOR CARNIVALS**

To hold a public hearing to consider a zoning ordinance text amendment to extend the maximum time frame for carnivals from eight to ten days; and

To adopt an ordinance to amend the zoning ordinance changing the maximum time for carnivals. [TC129]

Bonnie Estes, of the City/County Planning Department, briefed Council on the staff report noting the Joint City/County Planning Committee and the Zoning Committee of the Planning Commission endorsed this amendment.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to hold a public hearing to consider a zoning ordinance text amendment to extend the maximum time frame for carnivals from eight to ten days; and

To adopt an ordinance to amend the zoning ordinance changing the maximum time for carnivals [TC129] was approved at 9:26 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

**Ordinance #12534**

**SUBJECT: VOLUNTARY ANNEXATION PETITIONS - SUBMITTED TO  
JANUARY 1, 2002 - TEMPLE BAPTIST CHURCH AND  
CAMBERLY SUBDIVISION**

To hold public hearings for the following submitted Voluntary Annexation Petitions: Temple Baptist Church and Camberly Subdivision; and

To adopt ordinances to annex Temple Baptist Church and Camberly Subdivision in accordance with N.C. General Statute 160A-31 to the City of Durham limits.

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Laura Gill informed Council of two corrections to the Cost Benefit Analysis. She noted the Solid Waste costs line for Temple Baptist Church should be deleted and the impact would be a loss of \$2,959.00 through the projection period. Relative to Camberly Subdivision annexation, she noted the first year revenue should have only included half of that amount and the impact would be a net gain of \$2,730.00 in year one. Also, she noted corrections have been filed in the City Clerk's Office.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Best to hold public hearings for the following submitted Voluntary Annexation Petitions: Temple Baptist Church and Camberly Subdivision; and

To adopt ordinances to annex Temple Baptist Church and Camberly Subdivision in accordance with N.C. General Statute 160A-31 to the City of Durham limits was approved at 9:28 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

**Ordinance # 12535 - 12536**

**SUBJECT: WATER AND SEWER LATERALS - ORINDO DRIVE FROM BARBEE ROAD EAST TO EAST PROPERTY LINE OF TAX MAP 553-4-19 (MINI ASSESSMENT ROLL) - JOHN T. AND DORA P. ROBERTS**

Lee Murphy, of the Public Works Department, made comments on this item.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Clement to find that the properties of John T. and Dora P. Roberts, identified as 1)Tax Map 553-5-3 Orindo Drive, Lot 3, and 2)Tax Map 553-4-16, 630 Orindo Drive, Lot 4, have not benefited at this time from the water and sewer lateral improvements and to relieve each water lateral assessment in the amount of \$670.00 and each sewer lateral assessment in the amount of \$779.00 with the provision that future lateral charges will be due and payable at the prevailing rate should the properties receive water and/or sewer service (in accordance with City policy) was approved at 9:29 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

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**SUBJECT: ORDERING IMPROVEMENTS – ENABLING ACT AUTHORITY**

To adopt a resolution ordering Curb, Gutter and Paving, Water Main and Water and Sewer Laterals on Chalk Level Road from east property line of Tax Map 298-1-5 to Shaftsbury Street.

Lee Murphy, of the Public Works Department, briefed Council on this item noting no petition sponsors have been successful in obtaining signatures and Ms. Elvira Collins is the current sponsor who lives on Chalk Road who appeared before Council and noted staff was directed to prepare an agenda item to set a public hearing ordering the improvement without petition under the enabling act authority. Also, he noted there was an objection to the improvement.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Joan Worth, of 3803 Portsmouth Street, spoke in opposition to this item citing financial difficulties that would occur if the improvement was made.

Bob Mullin, of 3800 Shaftsbury Street, made comments about the various petitions that have come forward and he has said no. He noted that he would be paying most of the bill because of the frontage and spoke in support of lowering the speed limit.

Mayor Bell made comments about the frontage.

A motion was made by Council Member Clement seconded by Council Member Best to move the item as printed on the agenda.

For clarification, Council Member Stith made comments about the petitioner raising health concerns.

Lee Murphy, of the Public Works Department, updated Council on this situation and informed Council that Ms. Collins called last week to see if anyone was coming to the meeting in opposition and staff was not contacted until tonight.

Council Member Clement made a friendly amendment to his original motion: To direct the City Manager to install a 25 mph speed limit sign.

Mayor Bell asked the City Manager to provide a listing of streets not paved in the City of Durham.

Council Member Stith spoke in support of continuing this item to allow Ms. Elvira Collins an opportunity to appear before Council.

**SUBSTITUTE MOTION** by Council Member Stith seconded by Council Member Cole-McFadden to continue the public hearing without further advertising on this improvement until the May 6, 2002 City Council Meeting was approved at 9:44 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best,

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Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

[Mayor Pro Tempore Cheek asked that the following items be continued to allow staff to provide backup information.]

**SUBJECT: ORDERING PETITIONED IMPROVEMENTS**

To adopt a resolution ordering Curb, Gutter and Paving, Water Main and Water and Sewer Laterals on Beebe Drive from Barbee Road to west property line of Tax Map 517-1-12A.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

**MOTION** Mayor Pro Tempore Cheek seconded by Council Member Clement to continue the public hearing on this item without further advertising until the April 15, 2002 City Council Meeting was approved at 9:46 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

**SUBJECT: CONFIRMATION OF ASSESSMENT ROLL**

To adopt a resolution confirming the assessment roll for Curb, Gutter and Paving on Pearson Drive from Bay Point Drive to Fayetteville Road; Bay Point Drive from Pearson Drive to Overby Drive and Overby Drive from Bay Point Drive to Mimosa Drive.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

**MOTION** Mayor Pro Tempore Cheek seconded by Council Member Clement to continue the public hearing on this item without further advertising until the April 15, 2002 City Council Meeting was approved at 9:46 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

**SUBJECT: CONFIRMATION OF ASSESSMENT ROLL**

To adopt a resolution confirming the assessment roll for Water and Sewer Laterals on Pearson Drive from Bay Point Drive to Fayetteville Road; Bay Point Drive from Pearson Drive to Overby Drive and Overby Drive from Bay Point Drive to Mimosa Drive.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

**MOTION** Mayor Pro Tempore Cheek seconded by Council Member Clement to continue the public hearing on this item without further advertising until the April 15, 2002 City



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Council Meeting was approved at 9:46 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

**[ADDITIONAL ITEM]**

**SUBJECT: NORTH CAROLINA HOUSING FINANCE AGENCY (NCHFA) TAX CREDIT APPLICATIONS**

To receive a report from the administration on the application of the Housing Impact Policy and other adopted policies and plans of the City Council, for the eight (8) developments proposed for the Durham community; and to recommend that City Council approve the letter dated April 2, 2002 for submission to the NCHFA.

Charlene Montford, Housing & Community Development Director, made a presentation on this item. She gave an overview of the eight proposed developments highlighting that two of the projects are consistent with the policy and ordinance of the City; one development is outside of the city limits of Durham and Durham County and five are inconsistent with the established policies and ordinances. She noted staff recommends receiving the report and urged Council to approve the letter for submission to the NCHFA.

A motion was made by Council Member Clement seconded by Council Member Cole-McFadden to approve staff's recommendation.

Council Member Stith raised a concern about taking action tonight noting two of the projects are a part of the HOPE VI project and there needs to be discussion with the Durham Housing Authority and the City.

Charlene Montford, Housing & Community Development Director, noted the deadline is tomorrow for responding to the NCHFA concerning the proposed eight development projects.

City Manager Conner noted the City needs to work with the Durham Housing Authority before they file some of the tax credits, and there needs to be a meeting with them on how the City is going to handle this and what's the appropriate policy for density and the number of units with the redevelopment of HOPE VI.

Council held discussion on deferring this item, requesting an extension of time and Barnes Avenue.

**MOTION** by Council Member Best seconded by Council Member Stith to extend the meeting beyond 10:00 p.m. was approved at 10:00 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Cole-McFadden and Stith. Noes: Council Member Clement. Excused Absence: Council Member Edwards.

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Victoria Peterson, of P. O. Box 101, urged Council to not place any more low-to-moderate housing in the African American community in this city.

A substitute motion was made by Council Member Stith seconded by Council Member Clement to defer this item.

Mayor Bell spoke in support of sending the letter if staff does not receive an extension from NCHFA.

Mayor Pro Tempore Cheek made a friendly amendment to the substitute motion to refer this item to the Special City Council Meeting scheduled for Thursday, April 4, 2002 at 1:00 p.m.

The friendly amendment was accepted.

**SUBSTITUTE MOTION** by Council Member Stith seconded by Council Member Clement to refer this item to the Special City Council Meeting on Thursday, April 4, 2002 was approved at 10:06 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

There being no further business to come before the City Council, the meeting was adjourned at 10:07 p.m.

Linda E. Bratcher  
Deputy City Clerk

D. Ann Gray, CMC  
City Clerk